THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.12082 of 1996

ORAL ORDER:

It appears, petitioner has worked as Junior Assistant in the Nirmal English Medium High School, Nirmal, Adilabad district and retired on attaining the age of superannuation on 30.6.1992. It appears, petitioner joined the service of the School in the year 1964 and thus completed 31 years one month service. But the said School was admitted into grant-in-aid only w.e.f. 1.1.1985. Till 30.8.1985, it was unaided school and the post held by the petitioner was also not admitted to grant-in-aid. As per rules, three years weightage should be given to the actual service rendered in the aided post, thus, the petitioner has rendered 9 years and 10 months service in the aided post. However, at the first instance, it seems, when the pension papers were submitted, an impression was given that the petitioner had completed 31 years one month qualified service for the purpose of pension. But as noticed above, the qualified service is only 9 years and 10 months, which was rounded to 10 years. This came to light when the pension of an employee of the very same school was being considered. Since the second respondent-District Educational Officer failed to furnish details as to admission of school into grant-in-aid, this mistake had occurred giving impression that the petitioner had completed 31 years one month qualified service for the purpose of pension. Whereas, as per rules, petitioner has completed only 10 years of service for the purpose of pension. Under those circumstances, the impugned order dated 15.5.1996 was passed directing the Deputy Director, District Treasury Office, Adilabad to stop the pension of the petitioner immediately.

In view of the above, the respondents are directed to settle the

pension of the petitioner within four weeks from the date of receipt of a copy of this order and pay all the arrears from 15.5.1996 till date. However, the amount if any paid in excess shall not be recovered taking into consideration the age of the petitioner.

With the above directions, the writ petition is disposed of. No order as to costs.

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C.V.RAMULU,
J

Date: 21.11.2006

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THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.12082 of 1996

21.11.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.12082 of 1996

Date: 21st November, 2006

Between:

M.A.Rasheed

Petitioner

And

The Senior Dy. Accountant General (Pension),
Indian Audit and Accounts Department,
Office of the A.G., A.P., Hyderabad & others.

.. Respondents